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TAGS: [PGOV](#) [PHUM](#) [KISL](#) [KJUS](#) [JO](#)  
SUBJECT: JORDAN: PENAL CODE AMENDMENTS FEATURE LIMITATIONS  
ON CAPITAL PUNISHMENT, INCREASED HONOR CRIME SENTENCES

REF: A. AMMAN 1339  
[B](#). AMMAN 471  
[C](#). 08 AMMAN 3280  
[D](#). 06 AMMAN 7737

[1](#)1. (SBU) A package of over 100 amendments to Jordan's penal code will be discussed in parliament's extraordinary session that began on June 11 (Ref A). The Ministry of Justice has led a lengthy inter-ministerial consultative and drafting process over the past year that resulted in proposed comprehensive changes to many sections of the penal code. Amendments receiving particular media and civil society attention provide for the elimination of the death penalty for certain crimes and increased penalties for honor crimes, rape, indecent assault, electronic surveillance, and provision of alcohol to minors.

[1](#)2. (SBU) If the amendments pass, the death penalty would be eliminated for six types of crimes, five of which are national security-related and one for rape of a girl under the age of 15. The amendments would bring the number of crimes punishable by death from 18 to 12. The goal of the amendments, according to contacts, is to limit capital punishment to only murder and egregious national security crimes.

[1](#)3. (SBU) Prison Reform International (PRI), an international non-government organization headquartered in Britain and which is implementing a regional project to abolish capital punishment, has quietly lobbied parliamentarians to pass the amendments. They report that most parliamentarians appear to be supportive but are somewhat fearful of a constituent backlash if the amendments are perceived to contradict Shari'a law or societal norms. To provide clarity on the Shari'a law issue, PRI will bring together fifteen parliamentarians from different Jordanian political blocs, including the Islamic Action Front, for a discussion with an influential imam and a well-respected judge, who will stress that there is no conflict. According to experts, Shari's law only allows death for adultery, murder, conversion from Islam, and armed robbery and even then only when very strict conditions are met. The imam and judge will also point out that Jordan has already eliminated the death penalty from the penal code for such acts as adultery and robbery, so the new amendments should not be considered controversial.

[1](#)4. (SBU) An unofficial moratorium on executions is currently in-place in Jordan with no executions since 2006. The King has previously spoken out for the need to eliminate capital punishment. Local opponents of the death penalty also point to Jordan's abstention to the 2008 UN Resolution on the Moratorium on Executions as progress in the long-term process of fully eliminating the practice. Jordan had previously vetoed similar resolutions.

[1](#)5. (SBU) Stricter sentencing guidelines for Article 98, the "fit of fury" or "crime of passion" clause, are also included in the package. Contacts point to this clause as the primary reason for light sentencing - as little as six months - of

"honor crime" perpetrators. Judges commonly state in verdicts that the perpetrator was so infuriated by the victim's act that he was not in the right frame of mind and, therefore, should receive a light sentence. The minimum sentence for a "crime of passion" will be increased to three years, according to Ministry of Justice contacts.

¶6. (SBU) Comment: Governmental and civil society contacts are optimistic that the entire penal code amendment package will largely pass through parliament with few changes as the session's agenda is packed with thirty other priority laws for consideration. However, contacts believe a few amendments may be singled out and point to eliminating capital punishment for the rape of a girl under 15 as a potential target because parliamentarians may not want to be seen "lenient" on such a crime. Royal support for the capital punishment amendments should facilitate their passage during the special session. In the meantime, onlookers are hoping that organizations, such as Amnesty International, will not publically endorse any of the proposed amendments, which could counterproductively prompt a knee-jerk backlash from more conservative MPs. End Comment.

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